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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/887,086 | 06/25/2001 | Aviad Zlotnick | ZLOTNICK=1 | 7417 |
| 1444 | 7590 | 01/04/2005 | EXAMINER | |
| BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303 | | | PESIN, BORIS M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2174 | |

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/887,086 | Applicant(s) ZLOTNICK, AVIAD | |
| | Examiner Boris Pesin | Art Unit 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment A, filed 06/09/2004.

Claims 1-42 are pending in this application. Claims 1, 18, and 25 are independent claims. In the Amendment A, Claims 1 – 42 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
1. Claims 1, 6, 7, 9, 18, 22, 25, 30, 31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) in view of Fleming (US 6473752).

In regards to claim 1, Lorie teaches a method for presenting the data to the operator on a computer-controlled display (i.e. "A user interface ... is provided for allowing a user to examine intermediate results and to make appropriate entries of characters or decisions.", Column 4, Line 38). Lorie further teaches a method where the operator verifies the presented data (i.e. "operator intervention to verify and correct the information", Column 1, Line 54). Lorie further teaches a method for evaluating the verification of the data by the operator responsive to the time duration (i.e. "evaluating results obtained by said automatic context analysis, to identify characters requiring further processing", Column 9, Line 40). Lorie does not teach a method for measuring a time duration over which the operator interacts with the display. Fleming teaches that it is possible to "measure user interaction with displayed computer documents" (Column 16, Line 43). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorie with the teachings of Fleming to include a method for measuring the interaction between an operator and a display with the motivation to increase efficiency.

In regards to claim 6, Lorie and Fleming teach all the limitations of claim 1. Lorie further teaches a method to verify entire screen of the data (i.e. "A user interface [i.e. screen]... is provided for allowing a user to examine intermediate results and to make appropriate entries of characters or decisions.", Column 4, Line 38). Fleming further teaches a method for measuring a time duration over which the operator interacts with the display.

In regards to claim 7, Lorie and Fleming teach all the limitations of claim 1. Lorie further teaches the method wherein measuring the time duration over which the operator interacts with the display comprises measuring an interaction with a particular item on a screen of the data. (i.e. "the total amount of time spent accessing a term may be calculated by determining the amount of time spent accessing documents whose contents contain the term, or it may be possible to determine and count only the amount of time spent accessing a particular term within a document", Column 7, Line 20).

In regards to claim 9, Lorie and Fleming teach all the limitations of claim 1. Lorie further teaches the method wherein evaluating the verification of the data comprises assigning a confidence level to the data responsive to the time duration. (i.e. "confidence is measured, by a suitable means, according to an arbitrary numerical scale normalized over the range 0-1000.", Column 5, Line 39).

Claim 18 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 25 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 30 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 31 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 33 is in the same context as claim 9; therefore it is rejected under similar rationale.

2. Claims 2, 3, 4, 5, 19, 20, 21, 26, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) in view of Matsukawa et al. (US 6470336).

In regards to claim 2, Lorie and Fleming teach all the limitations of claim 1. Lorie further teaches that the assigned codes, or characters (Column 4, Line 38), are correct. They do not teach a method wherein presenting the data comprises displaying characters from a document to which codes have been assigned. Matsukawa teaches "characters to which the character codes are assigned are shown" (Column 14, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorie and Fleming with the teaching of Matsukawa with the motivation to provide for easier understanding (Column 14, Line 22).

In regards to claim 3, Lorie, Fleming, and Matsukawa teach all the limitations of claim 2. Lorie further teaches a method wherein displaying the characters comprises displaying results of optical character recognition (OCR) processing. (i.e. "the process uses operator input to certify the character-level OCR result of (or enter) a certain percentage of the characters so that context analysis may accept some of the remaining fields.", Column 3, Line 31).

In regards to claim 4, Lorie teaches a method wherein displaying the results comprises displaying together a plurality of characters which have been assigned the

same code by OCR processing. (i.e. "presenting the user with a selection of possible choices for characters within a field", Column 10, Line 63).

In regards to claim 5, Lorie, Fleming, and Matsukawa teach all the limitations of claim 2. Matsukawa further teaches a method wherein displaying the characters comprises presenting characters in the form of a word. (Since Matsukawa invention deals with the recognition of Japanese characters, each character is considered a word.)

Claim 19 is in the same context as claim 2; therefore it is rejected under similar rationale.

In regards to claim 20, Matsukawa teaches a method wherein the codes are determined by optical character recognition (OCR) processing of characters. (i.e. "characters to which the character codes are assigned are shown", Column 14, Line 21).

In regards to claim 21, Lorie teaches presenting data for verification comprising a plurality of characters which have been classified by OCR processing as having the same code. (i.e. "presenting the user with a selection of possible choices for characters within a field", Column 10, Line 63).

Claim 26 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 27 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 28 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 29 is in the same context as claim 5; therefore it is rejected under similar rationale.

3. Claims 8, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) in view of deCarmo et al. (US 6181339).

In regards to claim 8, Lorie and Fleming teach all the limitations of claim 1. They do not teach a method for monitoring use of a pointing device by the operator. deCarmo teaches that his, "system utilizes a method of monitoring location of the icon for the pointing device as moved by the user"(Column 3, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lorie and Fleming with the teaching of deCarmo to include a method for monitoring the pointer with the motivation to provide for reducing confusion in attempting to select a desired button (deCarmo, Column 2, Line 17).

Claim 23 is in the same context as claim 8; therefore it is rejected under similar rationale.

Claim 32 is in the same context as claim 8; therefore it is rejected under similar rationale.

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4. Claims 10 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) in view of Strub et al. (US 6563532).

In regards to claim 10, Lorie and Fleming teach all the limitations of claim 9. They do not teach a method wherein the confidence level is lowered as the time duration increases. Strub teaches that "as the confidence level decreases, the duration of time increases"(Column 87, Line 45). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lorie and Fleming with the teaching of Strub to include a method for decreasing the confidence level as the duration of time increases with the motivation of increasing the likelihood of displaying content of interest (Strub, Column 87, Line 46).

Claim 34 is in the same context as claim 10; therefore it is rejected under similar rationale.

5. Claims 11, 12, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) and Strub et al. (US 6563532) in view of Burch (US 6295387).

In regards to claim 11, Lorie, Fleming, and Strub teach all the limitations of claim 10. They do not teach the method comprising effecting a corrective action responsive to the low confidence level. Burch teaches, "The low confidence data is typically re-keyed into the system manually."(Abstract, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorie, Fleming, and Strub

with the teachings of Burch to include a corrective action in response to a low confidence level with the motivation to provide for more accurate results.

In regards to claim 12, Lorie, Fleming, Strub and Burch teach all the limitations of claim 10. Burch further teaches a method for corrective action that comprises presenting the data to a second operator. (i.e. "If they do not match, a second operator inputs additional data manually.", Abstract, Line 20)

Claim 35 is in the same context as claim 11; therefore it is rejected under similar rationale.

Claim 36 is in the same context as claim 12; therefore it is rejected under similar rationale.

6. Claims 13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) in view of Graves (US 6454173).

In regards to claim 13, Lorie and Fleming teach all the limitations of claim 1. Lorie and Fleming do not teach rejecting the verification of the data when the time duration exceeds a predetermined limit. Graves teaches to "reject said card [i.e. data] when said card verification message is not received within said second predetermined period of time" (Column 10, Line 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lorie and Fleming with the teaching to Graves to include a method to reject the verification of the data if it exceeds the predetermined time period with the motivation to provide more reliable results.

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Claim 37 is in the same context as claim 13; therefore it is rejected under similar rationale.

7. Claims 14 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531), Fleming (US 6473752) and Graves (US 6454173) in view of Burch (US 6295387).

In regards to claim 14, Lorie, Fleming and Burch teach all the limitations of claim 13. They do not teach the method wherein rejecting the verification comprises passing the data to another operator for verification. Burch teaches that, "If they [data] do not match, a second operator inputs additional data manually.", (Abstract, Line 20). Meaning that if the data from the first operator and the OCR do not match up, a second operator gets the data for verification. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Lorie, Fleming, Graves with the teaching of Burch to include a method to pass data to another operator with the motivation to provide more reliable results.

Claim 38 is in the same context as claim 14; therefore it is rejected under similar rationale.

8. Claims 15 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) in view of Allen (US 4256953).

In regards to claim 15, Lorie and Fleming teach all the limitations of claim 1. They do not teach a method wherein measuring the time duration comprises calculating

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an average time duration for the operator to process a given quantity of the data and comparing the time duration to the average. Allen teaches a process where “an operator may compare the duration of a just completed step with the average durations of the operator’s own previous steps and all operator’s previous steps.” (Column 1, Line 67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorie and Fleming with the teachings of Allen to include a method of comparing the average time to the duration with the motivation to provide for accurate results.

Claim 39 is in the same context as claim 15; therefore it is rejected under similar rationale.

9. Claims 16, 24, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) in view of Melville et al. (US 5982555).

In regards to claim 16, Lorie and Fleming teach all the limitations of claim 1. They do not teach a method for measuring movement of the eye of the operator in viewing the display. Melville teaches that in his invention, “the display can track [i.e. measure] where a viewer is looking, use the viewer’s eye as a pointer, and identify the person using the display” (Column 2, Line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorie and Fleming with the teaching of Melville and include a method for measuring the movement of the eye for easier navigation of the screen.

Claim 24 is in the same context as claim 16; therefore it is rejected under similar rationale.

Claim 41 is in the same context as claim 16; therefore it is rejected under similar rationale.

10. Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) in view of Radomsky et al. (US 6600899).

In regards to claim 17, Lorie and Fleming teach all the limitations of claim 1. They do not teach a method for rejecting the verification of data when the time duration is less than a predetermined limit. Radomsky teaches a method "suppressing any pulse whose time duration is less than a predetermined time period and this constitutes spurious glitches rather than actual data [i.e. data not verified]" (Column 10, Line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorie and Fleming with the teachings of Radomsky and include a method for rejecting the verification of data when the time duration is less than a predetermined limit with the motivation to provide more accurate results.

Claim 42 is in the same context as claim 17; therefore it is rejected under similar rationale

11. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorie (US 5933531) and Fleming (US 6473752) in view of Graham et al. (US 6281879).

In regards to claim 40, Lorie and Fleming teach all the limitations of claim 25. They do not teach a product wherein the instructions cause the computer to measure a time duration of a mouse cursor dwelling substantially on one item on the display by tracking the cursor by means of a tracking device, the tracking device connected electronically to the computer. Graham teaches, "The preferred embodiment of the present invention displays a tool tip when a mouse cursor points to a tool or a tool bar for a sufficient amount of time" (Column 3, Line 27). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lorie and Fleming with the teaching of Graham and include a method for measuring the time duration of a mouse cursor dwelling substantially on one item on the display with the motivation to make the application easier to use (Graham, Column 1, Line 27).

Response to Arguments

Applicant's arguments filed 06/09/2004 have been fully considered but they are not persuasive.

The applicant argues,

- a. Lorie does not teach evaluating results of verification by a human operator.
- b. Fleming makes no suggestion that the measurement of a user's time of interaction with a document might be used for purposes of verification of any sort.

In regards to argument (a), the Examiner points out that the Applicant has not claimed "human operator" as so stated in the arguments, but simply "operator". The

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Applicant is encouraged to amend the claims to include the term "human operator" to clarify the claim language.

In regards to argument (b), the Examiner believes that Fleming does suggest that the measurement of a user's time of interaction with a document might be used for the purposes of verification. Fleming teaches, "In one embodiment, the factors used to measure term and topic importance include the total time of access, the recentness of the last access, the frequency of access, the location and emphasis of a term or topic in a document's contents, and the relationship of terms or topics to each other. For example the total amount of time spent accessing a term may be calculated by determining the amount of time spent accessing documents whose contents contain the term, or it may be possible to determine and count only the amount of time spent accessing a particular term within a document." Column 7, Line 15).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP

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